

LOCATION: 27 & 27A Holders Hill Drive, London, NW4 1NL
REFERENCE: F/02521/12 **Received:** 03 July 2012
Accepted: 17 July 2012
WARD(S): Finchley Church End **Expiry:** 11 September 2012
Final Revisions:

APPLICANT: belima
PROPOSAL: Demolition of existing house at no. 27a followed by the creation of a new 2 storey house with side and rear dormer windows and a single storey rear extension to no. 27.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan - HHD.27a.EX-NW4; Design & Access Statement; Plan No's: HHD.27a.EX-01A; HHD.27a.EX-02A; HHD.27a.PR-01A; HHD.27a.PR-02A; HHD.27a.PR-03A.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.
Reason:
To safeguard the visual amenities of the locality.
- 4 The roof of both the single storey rear extensions hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.
Reason:
To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking.
- 5 Before the building hereby permitted is occupied the proposed window within the roof in the side elevation facing 29 Holders Hill Drive shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.
Reason:
To safeguard the privacy and amenities of occupiers of adjoining residential properties.
- 6 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order) the building(s) hereby permitted shall not be extended (Classes A to E) in any manner whatsoever.
Reason:
To ensure that the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties.
- 7 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-

enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the side elevation of hereby approved, facing 29 Holders Hill Drive.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

- 8 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

- 9 A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development.

- 10 Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development.

- 11 All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Reason:

To ensure a satisfactory appearance to the development.

- 12 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 13 The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

- 14 No development shall take place until a 'Demolition & Construction Method Statement' has been submitted to, and approved in writing by, the Local

Planning Authority. The Statement shall provide for – access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to.

Reason:

In the interests of highway safety in accordance with Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

INFORMATIVE(S):

1 The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011, the Adopted Barnet Unitary Development Plan (2006) and the Local Plan (2012).

In particular the following policies are relevant:

National Policy:

National Planning Policy Framework

London Plan (2011):

3.5A, 3.5B, 7.4A

Adopted Barnet Unitary Development Plan (2006):

GSD, GParking, GCS1, GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D4, D5, D6, D11, D12, D13, H16, H17, H18, H27, M11.

Local Development Framework:

Core Strategy (Adopted) 2012 – CS NPPF, CS1, CS5.

Development Management Policies (Adopted) 2012 – DM01, DM02, DM17.

ii) The proposal is acceptable for the following reason(s): -

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet UDP policies and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is considered to comply with National, London Plan, and Council Policies and Guidelines.

2 The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £4,200 (on the base of 120 sqm gross floor space).

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil

You will be sent a 'Liability Notice' that will provide full details of the charge and

to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, this is also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework:

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published on 27 March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

The Mayor's London Plan July 2011:

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Policy 3.5A states that housing developments should be of the highest quality

internally, externally and in relation to their context and the wider environment taking account of strategic policies to protect and enhance London's residential environment and attractiveness as a place to live.

Policy 3.5B indicates that the design of all new housing developments should enhance the quality of local places taking into account, amongst other things, physical context, local character and density. Table 3.3 sets out minimum space standards for new dwellings.

Policy 7.4A states that, development should have regard to the form, function, and structure of an area, place or street, and the scale, mass and orientation of surrounding buildings. The policy goes on to say at 7.4B that buildings should provide a high quality design response that, amongst other things, is informed by the surrounding historic environment.

The Mayor for London has introduced a Community Infrastructure Levy. This applied from 1 April 2012 to most developments in London where the application is determined by the Local Planning Authority.

Within Barnet the levy will be charged at a rate of £35 per square metre of net additional floorspace.

Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

Relevant policies to this case: GSD, GParking, GCS1, GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D4, D5, D6, D11, D12, D13, H16, H17, H18, H27, M11.

In June 2005 the Council published its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the Borough. The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities. The second strand of the approach, "Enhancement", provides strong planning policy protection for preserving the character and openness of lower density suburbs and conservation areas. The Three Strands Approach will form the "spatial vision" that will underpin the Local Development Framework.

The Council has also adopted (June 2007), following public consultation, an SPD "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the UDP, and sets out how sustainable development will be delivered in Barnet. Part 4 recognises that noise can be a significant nuisance, and can undermine quality of life. In order to meet standards for internal noise appropriate levels of insulation will be required. Paragraph 4.16 indicates that the Council requires the acoustic performance of party walls and floors between

dwellings to be designed to exceed the minimum requirements set out in Part E of the Building Regulations. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

Core Strategy (Adopted) 2012:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan (Core Strategy and Development Management Policies documents) is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS NPPF, CS1, CS5.

Development Management (Adopted) 2012:

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Development Management Policies was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02, DM17.

Relevant Planning History:

Site Address: 27 Holders Hill Drive NW4
Application Number: W01938
Application Type: Full Application
Decision: Refuse
Decision Date: 31/12/1968
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **house and two garages.**
Case Officer:

Site Address: 27 Holders Hill Drive NW4
Application Number: W01938A

Application Type: Full Application
Decision: Approve with conditions
Decision Date: 03/07/1969
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Extension of house to form a living unit and garage.**
Case Officer:

Site Address: 27 Holders Hill Drive NW4
Application Number: W01938B
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 18/03/1970
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Extension of house to form a living unit and garage - amendment to approved plan**
Case Officer:

Site Address: 27 Holders Hill Drive NW4
Application Number: W01938C
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 28/11/1985
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Roof extension with dormer windows on rear elevation.**
Case Officer:

Site Address: 27A Holders Hill Drive London NW4 1NL
Application Number: W01938D/01
Application Type: Full Application
Decision: Withdrawn
Decision Date: 07/11/2001
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing house and replacement with 2 storey semi detached building comprising of 2 flats, with rear facing dormer window associated with a loft conversion.**

Case Officer:

Site Address: 27A Holders Hill Drive, London, NW4 1NL
Application Number: F/02724/11
Application Type: Section 191
Decision: Unlawful Development
Decision Date: 21/10/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Retention of single dwelling house.**
Case Officer: Robert Marchant

Site Address: 27A Holders Hill Drive, London, NW4 1NL
Application Number: F/04826/11
Application Type: Section 191
Decision: Lawful Development
Decision Date: 01/02/2012
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists

Proposal: Retention of 1no. self-contained residential unit
Case Officer: Junior C. Moka

Consultations and Views Expressed:

Neighbours Consulted: 39 Replies: 6
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

1. Overcrowding in the road,
2. Pressure on on-street car parking;
3. The development is not in keeping with the street as the street is characterised by semi detached properties;
4. Overlooking concerns;
5. Loss of privacy;
6. Increased noise resulting from its use
7. Overdevelopment of the site;
8. Disagrees with statements made in the Design & Access Statement;
9. Design concerns.

Internal /Other Consultations:

Highways - F&GG, Development Team -
No objection

Date of Site Notice: 26 July 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site, is 27 Holders Hill Drive (main dwelling) a semi detached property within the Finchley Church End ward and its side extension (27A). 27A is accessed from the front of the building and was determined in February 2012 was the use of a Section 191 Lawful Development Certificate on the balance of probability to have been used as a self contained flat for more than 4 years.

Proposal:

The proposal relates to the demolition of existing house at no.27a followed by the creation of a new 2 storey house with side and rear dormer windows and a single storey rear extension to no. 27.

This proposal has been amended from its original submission, following a site visit by the planning officer as there were concerns about the impact of an extension to the character of the area and the amenities of neighbouring occupiers.

Planning Considerations:

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both

the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The main issues are considered to be:

- i. Policy Context;
- ii. Principle of redevelopment and whether harm would be caused to the character and appearance of the area and street scene;
- iii. Design of the new dwelling;
- iv. The living conditions of adjoining occupiers;
- v. Sustainability;
- vi. Parking, Access and Vehicle Movements.

Policy Context:

The proposed development is considered to be compliant with national policy (NPPF), the London Plan, and local policy within the UDP. The general message of Section 6 of the NPPF 'Delivering a wide choice of high quality homes' advises that Local Planning Authorities should enable the provision of good quality new homes in suitable locations.

Paragraph 53 states that "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area". As the site is extending to the front of the existing dwelling which is considered to be the front garden land and does not fall within the definition of previously developed land. However, in itself that does not necessarily preclude development on the site. The site is in a sustainable location and development of it would conform with the requirement in the NPPF.

The proposed development is considered to be compliant with the requirements of NPPF, which states in policy 57, 'It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes'.

Principle of Redevelopment and Character

The principle of demolition is considered acceptable. The property is not within a conservation area.

The location of the proposed dwellinghouses would be in keeping with Planning Policy Guidance and Regional Policy Guidance recommending the need for the effective use of land within urban areas and the use of previously developed land as far as possible.

Council Policies state that new residential developments must harmonise with and respect the character of the area. The proposed traditional approach to the design is

welcomed in this part of the road.

Design:

It is considered the design of the proposed dwelling would compliment the design of neighbouring existing buildings and is not would not have any adverse visual effect on the character of the locality or the street scene generally. The success of the building will depend on the quality of the materials to be used and the materials to be used in the construction of the dwelling will have a conditioned to this recommendation to ensure that the proposed materials are acceptable.

The proposed buildings would be located within the site to align with adjoining buildings retaining a common 'building' line on the street frontage.

The proposed height of the new building would remain as per the neighbouring existing properties' heights to ensure that the proposed buildings respects the heights of these other surrounding properties.

The surrounding area is characterised by semi detached houses of a uniform design, appearance and size. In this context, it is considered that the design and sitting of the proposal is acceptable and would be compatible with adjoining properties, the character of the surrounding area and the streetscene. As noted, street is characterised by semi detached houses but this will group will be a terrace. It is considered that this proposed new dwelling will result in the improvement to the appearance of this part of the road compared to the current situation.

Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

It is considered that the depth of both the new dwelling and the single storey rear extension complies with the guidance outlined in the Council Design Guidance on Extensions to Houses.

The living conditions of adjoining occupiers:

One of the Councils key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Unitary Development Plan Policies D5 seek, amongst other things, to ensure adequate outlook for occupiers adjoining new development, and that new residential developments should provide and preserve adequate residential amenity, however the policies, and the preamble in the preceding paragraphs, do not offer any guidance for assessment. It is therefore necessary for a judgement to be made by the decision maker with regard to this issue.

As well as requiring that new residential developments harmonise with and respect the character of the area in which they are situated, UDP policy H16 states that they

provide and preserve adequate daylight, outlook and residential amenity, provide a safe and secure residential environment, maintain privacy and provide adequate private gardens or amenity space neighbouring properties.

In considering Policy DM01 of the Development Management Policies (Adopted) 2012, it is considered given the distance between the proposed building and neighbouring buildings, it would not detract from the amenities of adjoining occupiers in terms of the loss of light, outlook or privacy to an unacceptable level.

There are side and rear dormer windows and these are considered to be acceptable.

The development would not be obtrusive and would preserve an adequate outlook for the neighbouring occupiers in accordance with adopted policies.

Sustainability:

Sustainable development is a key priority of Central Government and the Council. Any new residential development in Barnet is expected to meet Code Level 3 of the Sustainable Homes - the applicant has indicated in his sustainability submission that this will be achieved (this is to be enforced by a Code for Sustainable Homes condition).

Parking, Access and Vehicle Movements:

No parking spaces are being provided. The proposed development would need to provide 3 parking spaces to meet the parking standards as set out in the UDP 2006.

However, taking into consideration the following:

- Good public transport accessibility;
- Our site observation indicated that there is on street parking available in on roads in the vicinity of the site.

On balance the proposal is acceptable on highway grounds.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Since the application was originally submitted, the proposal has been amended and is considered to comply with the National, London Plan, and Council Policies and Guidelines. As a result it is considered that the planning related concerns raised on this application relating to design and amenities are not sufficient to constitute a reason for refusal.

Highway related planning matters are considered to have been covered in the above appraisal.

4. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its

statutory equality responsibilities.

5. CONCLUSION

The proposal complies with the requirements of NPPF, which states in policy 57, 'It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes'.

When the Local Planning Authority approve planning applications there may be cases where there is some element of a loss of light to neighbouring properties. It is for the Local Planning Authority to determine whether the loss of light that could occur would be sufficient a reason to refuse the application.

The Local Planning Authority consider that this application has an acceptable impact on the amenities of the neighbouring occupiers.

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet UDP policies and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is considered to comply with National, London Plan, and Council Policies and Guidelines and is therefore recommended for **APPROVAL**.

SITE LOCATION PLAN: 27 & 27A Holders Hill Drive, London, NW4 1NL

REFERENCE: F/02521/12



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